

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CARL DUNCAN, JR., et ux

*

Plaintiffs

*

v.

*

Civil Action No.: WMN-03-380

GULF STREAM COACH, INC.

*

Defendant

*

* * *

SUPPLEMENTAL REPLY TO
DEFENDANT'S MOTION TO DISMISS AND/OR TRANSFER

Carl Duncan, Jr., et ux, by their attorneys, Jeffrey N. Pritzker and Margolis, Pritzker & Epstein, P.A. file this Supplemental Reply to Defendant's Motion to Dismiss And/Or Transfer, and state as follows:

1. Defendant's Motion to Dismiss or Transfer is premised upon the Plaintiffs allegedly executing a Limited Warranty Agreement at the time of the purchase of the Gulf Stream Coach motor vehicle which warranty contained language providing for "exclusive jurisdiction in the state of manufacture".

2. Plaintiffs allege that the subject document contains signatures which are not theirs and are not genuine, and which, in fact, had been forged.

3. Plaintiff, Carl Duncan, Jr., advised counsel of this fact following examination of the signatures which are obviously different from Plaintiffs' signatures on or about April 10, 2003.

4. For that reason, Defendant's attempt to dismiss or transfer, which is premised solely upon the forged document, must fail.

WHEREFORE, Plaintiffs pray that the Motion to Dismiss And/Or Transfer be DENIED.

_____/s/_____
Jeffrey N. Pritzker
Margolis, Pritzker & Epstein, P.A.
405 E. Joppa Road - Suite 100
Towson, Maryland 21286
(410) 823-2222
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of April, 2003, a copy of the foregoing Supplemental Reply to Defendant's Motion to Dismiss And/Or Transfer was mailed by first-class mail, postage prepaid, to J. Thomas Caskey, Esquire, 401 Washington Avenue, Suite 204, Towson, Maryland 21204, Attorney for Defendant.

_____/s/_____
Jeffrey N. Pritzker

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AFFIDAVIT OF CARL DUNCAN, JR.

1. I, CARL DUNCAN, JR., am over the age of eighteen and competent to testify.

2. I have reviewed the Limited Warranty form attached to the Defendant's Motion to Dismiss or to Transfer, and Memorandum In Support Thereof. The signatures contained at the bottom of that form, alleging to be mine and my wife, are forgeries. We did not sign that document.

3. I have been advised that employees of Bernard Chevrolet, Inc. of Libertyville, Illinois, agents for Gulf Stream forged my signature and my wife's signature to that document on or about May 6, 2000.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing Affidavit are true.

Date

_____/s/_____
CARL DUNCAN, JR.